

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WILLIAM CHAVERS,

Plaintiff,

v.

CITIMORGAGE, INC.,

Defendant.

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Civil Action No. 1:22-cv-238

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§1331 and 1441, Defendant CitiMortgage, Inc. (“CitiMortgage” or “Defendant”) removes this action from the 345th Judicial District Court of Travis County, Texas, to the United States District Court for the Western District of Texas, Austin Division, and in support thereof would show unto the Court the following:

I. STATE COURT ACTION

1. On February 28, 2022, Plaintiff William Chavers (“Plaintiff” or “Chavers”) filed his Original Petition for Declaratory Judgment and Application for Temporary Restraining Order and Injunctive Relief (the “Complaint”), *William Chavers v. CitiMortgage, Inc.*, Cause No. D-1-GN-22-000976, in the 345th Judicial District Court of Travis County, Texas.

2. Pursuant to 28 U.S.C. §1446(d), this Notice of Removal will be filed with the 345th Judicial District Court of Travis County, Texas, and a copy of this Notice of Removal will also be served on all parties.

3. In the State Court Action, Plaintiff alleges causes of action centered around the foreclosure of the real property commonly known as 909 Niobrara River Drive, Pflugerville, Texas 78660 (the “Property”). Plaintiff brought his lawsuit against Defendant for violation of the CARES

(Coronavirus Economic Stabilization) ACT, 15 U.S.C. § 9056(b)¹ (“CARES”) for allegedly sending a forbearance request, and requested injunctive relief.

4. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, orders, and other papers filed in the 345th Judicial District Court and obtained by Defendant are attached hereto. In support of this removal, please find attached as follows:

Exhibit A: Civil Cover Sheet;

Exhibit B: Supplement to Civil Cover Sheet;

Exhibit C: State Court Docket Sheet; and

Exhibit D: State Court File.

II. TIMELINE FOR NOTICE OF REMOVAL

5. Defendant has not been served in this action and Plaintiff has not requested service. Less than thirty (30) days have passed since Defendant received unofficial notice of this lawsuit, and thus, removal is timely. 28 U.S.C. §1446(b)(1).

III. BASIS FOR REMOVAL: FEDERAL QUESTION JURISDICTION

6. The Court has original jurisdiction over this action pursuant to 28 U.S.C. §1331 because it involves questions of federal law. Specifically, Plaintiff seeks damages for allegations of violation of CARES, 15 U.S.C. §§ 9001-9008.

IV. VENUE

7. Venue for this Removal is proper in the United States District Court for the Western District of Texas, Austin Division, because this district and division includes Travis County, Texas, which is the location of the pending state court action. 28 U.S.C. §1441(a); 28 U.S.C. §124(d)(1).

¹ See Plaintiff’s Complaint at ¶ 21-42.

V. CONCLUSION

WHEREFORE Defendant CitiMortgage, Inc. removes this action from the 345th Judicial District Court of Travis County, Texas, to the United States District Court for the Western District of Texas, Austin Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

By: /s/ Shelley L. Hopkins
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of March, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF filing system, and will send a true and correct copy to the following:

VIA ECF:

James Minerve
13276 N. Highway 183, Suite 209
Austin, Texas 78750
jgm@minervelaw.com
ATTORNEYS FOR PLAINTIFF

/s/ Shelley L. Hopkins

Shelley L. Hopkins